

The Salisbury Planning Board held its regular meeting Tuesday, November 14, 2006, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Lou Manning, Brian Miller, Sandy Reitz, Albert Stout, Dr. Kelly Vance, Price Wagoner, and Diane Young

ABSENT: Nathan Chambers, Robert Cockerl, Tommy Hairston, and Valarie Stewart

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris and David Phillips

Chairman Brian Miller called the meeting to order at 4:25 p.m. when a quorum arrived and offered the invocation. After Mr. Miller offered the invocation, the minutes of the October 24, 2006, meeting were approved as published. The Planning Board adopted the agenda.

NEW BUSINESS

A. Zoning Map Amendment

- Explanation of procedure
- Swearing-in of those testifying
- Staff Presentation
- Courtesy Hearing
- Board discussion
- Findings of Fact
- Statement of Consistency and Motion

1. Z-11S-06, Kevin Wilson

1311, 1333, & 1339 Bringle Ferry Road + 2 other unnumbered parcels
Tax Map–Parcel 057A13308, 057-054, 057-051, 057-050, and portion of 057A049
Size/Scope–Approximately 3.07 acres on 5 parcels R-6 (Single-Family/Duplex Residential) and B-1 (Office/Institution) district to B-6-S (Special General Business) district

Since this was a request for a special use district, speakers were sworn in for the testimony they provided. (Kevin Wilson, Jacqueline Cassell, David Phillips, and Preston Mitchell were sworn in.) Senior Planner Preston Mitchell provided a staff presentation. The Planning Board was asked to make two motions—a statement of consistency and motion on the zone change and findings of fact on the special use permit that is attached.

The special use permit would allow for the use of mini warehousing and the use of an auto sales lot but no other uses in the B-6 zoning district. All the other uses would be the current B-1 uses and below which the property is currently zoned. City Council can add conditions of development as part of a special use permit.

Staff believes that Park Avenue Neighborhood is fragile with marginal investment occurring. Protection and rehabilitation is important to maintain the neighborhood as a major housing source. Bringle Ferry Road is a major thoroughfare, but staff does not find any damaging infusion of commercial to date. Any infusion must be "orderly conversion" to high-density residential or compatible commercial. Mr. Mitchell quoted policies from the Salisbury Vision 2020 Comprehensive Plan. (Including undesirable scenarios of Policy N-11) The Park Ave Neighborhood Redevelopment Plan was also referred to.

Staff Recommendation

Staff recommends that the petition is not consistent with the City's growth and comprehensive plans; however, staff does recognize the marginal-to-no investment on the Park Avenue Neighborhood fringe—specifically along Bringle Ferry Road. Staff recommends that any B-6-S be located as follows and with the following conditions: 1) Signage to conform to B-1 district; 2) 'B' or 'C' buffer applies to both sides of the requested area. Mr. Mitchell demonstrated on the map. B-6 should not come under tension lines—staff recommends it for parcels 057-153, 13308, 050

Those speaking in opposition:

Jacqueline Cassell of 1335 Bringle Ferry Road represented her brother who owns property across the street from this rezoning. They wondered how this could affect their family's property. She voiced concerns about the traffic impact for the local residents.

Those speaking in favor of the improvements:

Kevin Wilson of 1339 Bringle Ferry Road stated that he had concerns for parcel 578-049; that is where he would like to put the storage buildings. He wants to tear down this "eyesore of a house." No one wants to live there because of the proximity to the high-voltage wires. Current zoning does not allow him to build storage buildings. He believes that building duplexes and multi-family housing would be detrimental to the existing neighborhood.

Diane Young wanted to know what auto sales and storage would allow. David Phillips, Zoning Administrator, replied that the auto storage would be, for instance, towing a car to the property and storing it overnight—not long-term storage.

Dr. Mark Beymer agreed with staff that it is inconsistent with the comprehensive plan. He believes the area (near the interstate and the power lines) is reasonable for economic development provided Park Avenue Neighborhood could be preserved. The "s" zoning could provide necessary protection; therefore, he could support this. The traffic impact of this business alone would be minimal.

Lou Manning believed that it would be "wrong to put this there"; it would be a detriment to that end of the neighborhood. This does not fit the Park Avenue strategic plan. He would be in favor of townhouses—not mini warehouses and auto sales. He recalled the controversy of auto storage on property near Sunset Drive.

Albert Stout made a MOTION to send Z-11S-06, Kevin Wilson, to committee. **Dr. Mark Beymer** seconded the motion; all members voted AYE to send to committee. (8-0)

Legislative Committee B (Sandy Reitz chair with Lou Manning and Diane Young as volunteers) will meet Tuesday, November 21 at 7 a.m. in the second floor conference room at City Hall, 217 South Main Street, Salisbury.

2. **Z-13-06, Pilot Developers**

Undeveloped Drummond Village

Tax Map - Parcel(s): Portions of 058-088, 065-008, & 067-189

Size / Scope: Approximately 15 acres on a portion of 3 parcels

B-RT (Business-Retail Trade) district to RD-A (Residential Development) district

- Staff Presentation
- Courtesy Hearing
- Board discussion
- Statement of Consistency and Motion

Planning Board Chair, Brian Miller, excused himself due to a business conflict of interest. Vice Chair Lou Manning lead the courtesy hearing. Preston Mitchell made a staff presentation.

The property is west of Earnhardt Road, south of the Corbin Hills golf course, and north of Laura Springs Drive and Sills Drive. This petition area is part of the 2002 approval of Drummond Village, a mixed-use residential, office, and commercial retail development.

Phase 1 (single-family component off of Stokes Ferry Road) of the development is underway, but no other phases have even seen major grading efforts. The area is undeveloped and consists of grassy fields as well as stands of large trees.

Staff Recommendation

The petition is generally consistent with City's growth and comprehensive plans; staff recommends approval of the request to reduce B-RT to approximately 3.5 acres, but staff suggests that up to seven acres should be retained to allow for future community-scaled commercial development.

Those speaking in opposition to the map amendment: NONE

Those speaking in favor:

Eric Wood, with Pilot Developers, lives at 266 Irvin Road, Mooresville, North Carolina. A site plan will follow this case so he kept his comments brief. In 1999 he put together about 160 acres to form a mixed-use development. He spent time with the Land Management staff to develop the concept. He bought into the smart growth and Vision 2020 Comprehensive Plan. He spent a great deal of time effort and money getting this property zoned for the development under the assumption that Jake Alexander Boulevard would come to his property.

Six or seven years ago he was told that in 5-10 years the corridor would be underway. The newest plan is scheduled for the years 2020-2030. It has gone from a 5-year possibility to a 30-year possibility. This is too long of a stretch for a developer to wait. He demonstrated how the road would come through his property. Most of this property is in the ETJ. The B-RT is meant to abut residential neighborhoods along major thoroughfares. There is not a thoroughfare today—only the potential for one. He has nothing concrete to go on. He has a piece of B-RT property in the middle of Corbin Hills. Moving it down to 3.5 acres from 15 acres is a good way to go.

Dr. Mark Beymer stated that he was in favor of the rezoning and questioned whether further study was necessary. He is personally satisfied that it is consistent with the long-term range as the staff suggests, and he is ready to support it. **Albert Stout** agreed with Dr. Beymer.

Albert Stout made a MOTION stating that the Planning Board finds and determines that adoption of an ordinance to rezone Z-13-06 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and hereby recommends approval. Dr. Beymer seconded the motion with all members voting AYE. (7-0)

B. Group Development

1. **G-07-02 Drummond Village**
2800 Block Stokes Ferry Road
Tax Maps 058, 065, 068
Parcels 088, 008, 189
Zoning RD-A and B-RT

David Phillips, Zoning Administrator for the City of Salisbury, made a presentation. Some lots will be smaller than previously approved and setbacks proposed have 20-foot front yards, 10-foot rears and 5-foot sides. That is comparable to what was approved in Phase 1. There are two sections of streets that exceed the maximum of 800 feet in distance between intersections. There is a potential future development area shown on the site plan. The original plan showed access to this future development. Staff recommends that access be shown on the site plan. See comments below. Staff would like clarification about pocket

parks and a nature trail. Preston Mitchell stated that a variety of price points should be included in the development.

Mr. Andy Widenhouse of the Schneider Corporation, Charlotte, North Carolina, submitted the application for a revision to the previously approved site plan to be located in the 2800 Block of Stokes Ferry Road. The following are code requirements that have yet to be addressed:

- a. The developer has submitted a rezoning request for the area currently zoned Retail Trade Business (B-RT). The proposed lots within this area have been reviewed based on the rezoning being approved to Residential Development "A" (RD-A). If the rezoning is not approved, the minimum lot width in B-RT shall be 100 feet.
- b. Two segments of road will exceed the 800-foot maximum street length until Jake Alexander Boulevard is extended. Staff recommended that a residential street be installed in the interim to comply with code. The applicant responded that this condition would be satisfied by the municipality once the Jake Alexander Boulevard extension was completed. According to the Cabarrus-Rowan MPO's Long-Range Transportation Plan (LRTP), the extension of Jake Alexander Boulevard could be funded for construction sometime during the years 2021–2030. Given NC DOT's current cash flow problems and rapidly increasing construction costs, the extension is likely to be constructed later, rather than earlier. The Planning Board needs to consider whether it would be appropriate to allow a nonconforming situation for a 15–25-year period (and possibly longer).
- c. Staff is particularly concerned that the traffic from Phase 4 would be much more likely to drive the length of Phases 1, 2, and 3 if a convenient outlet to Earnhardt Road is not provided. This is a precisely the type of traffic that leads to neighborhood traffic concerns.

The Following comments are not specifically addressed in the City Code, but are consistent with the Vision 2020 Comprehensive Plan and / or good planning:

- The typical lot widths in Phase 1 are 60 feet or wider, and lots in Phases 2, 3, and 4 approach 40 feet. For 40-foot lots, 18-foot driveways would constitute 45 percent of the front yard. This is a pattern that is not consistent with the City's Comprehensive plan. Staff does not recommend individual driveways for lots under 60 feet wide.
- The developer was requested to clarify what was proposed for the landlocked portion of the parent tract that is surrounded by the golf course. It is labeled as "potential future development." If this property is to be developed, then access to this portion shall be indicated on the plan.
- Staff recommends that a street stub be installed for connectivity along the northeast boundary of the development. The developer addressed this issue stating the street stub would create substantial hardship with minimal gain. Their basis is due to

extreme topography change in the area and adjacent property uses. The adjacent property is approximately 70 acres and is used as a single-family residence. There is an area along the property boundary where the topography would allow the proposed connectivity.

- The previously approved site plan was based on a design philosophy that was heavily influenced by the Salisbury Vision 2020 Comprehensive Plan. The Technical Review Committee (TRC) is concerned that the current proposal fails to share that influence. The TRC recommends that the applicant review the Vision 2020 Comprehensive Plan and consider design details that are consistent with the community's vision.

The City's rezoning of the subject properties and subsequent site plan approval, despite a varied amount of neighborhood opposition, represented the fortitude to implement Salisbury's community vision. Nonetheless, it is reasonable that a 4-year delay on build-out is frustrating and that the market may be placing new, and different, demands upon the developer. In responding to these market demands, we request that the developer work to retain many of the design elements of the original Master Plan.

For instance, residential street connections to major and minor thoroughfares, well-designed and usable parking spaces dispersed throughout the development, smaller block sizes and innovative street design to slow speeds, use of alleys to minimize curb cuts, and retention of some level of neighborhood-scaled commercial at the neighborhood edge to serve the immediate area.

- Please note four of the 18 vision statements that define the policies and objectives of the Vision 2020 Comprehensive Plan. The 18 statements make up a collective vision of how the citizens of Salisbury would like to have their city look and function by the year 2020. This series of vision statements evolved from input received from the citizens of Salisbury during town meetings held in the early stages of the planning process.

- **Getting Around**

We see a community with "full-service streets" in which cars and pedestrians, bicyclists and buses are equally at home. We see streets with ample sidewalks, large trees reaching over their street, and attractive pedestrian-scaled streetlights. We see well-planned neighborhoods, designed to encourage walking from home to work, from home to the corner store, or from home to the transit stop.

- **Neighborhoods**

We see safe, secure, peaceful neighborhoods in every part of the city, with litter-free streets, manicured lawns and lush gardens. We see freshly painted homes with neighbors greeting neighbors on sidewalks and front porch swings. We see families pushing baby carriages to nearby parks. We see children riding their bikes to the neighborhood corner store for a loaf of bread or a Saturday afternoon ice cream.

- **Housing**

We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.

- **Parks, Recreation and Open Space**

We see large community parks, smaller neighborhood parks, and tiny pocket parks, all well distributed throughout the community. Larger community parks have clusters of playing fields for organized athletic leagues. Smaller neighborhood parks have multi-purpose fields for informal athletic events as well as areas for unstructured play. We see parks convenient to neighborhoods as well as to office workers during their lunch hour.

Those speaking in opposition:

Diane Bruendl, 425 Earnhardt Road, said that the small lots bother her. She objected previously to the apartments because they would be directly across the street from her property. She wondered which direction houses would face on Earnhardt Road. The entrance to the development is right across the street from her property. She requested more detail about this entrance. There is already a great deal of heavy traffic on the road.

Ida Arey, 655 Earnhardt Road, was originally happy to hear about the development. The size of the lots is too small. What is the depth of the lots? David Phillips estimated the average lot area is 6,200 square feet, which is comparable to an R-6 zoning district, so the depth will be about 120 feet deep. It looks to her as if this is cramming too many people in too small of an area.

This speaking in favor:

Eric Wood, 266 Irvin Road, Mooresville, North Carolina stated that this plan clusters units to allow more open space and it is a compromise. Eleven units per acre are allowed in RD-A compared to just over three units per acre that are proposed. This is the only way to put this type of density on this property without going multi-family. The new plan is 400 units as opposed to the previous 600 units. They are essentially downgrading what was previously approved. He stated that they do have a variety of price points.

Addressing the stretch of an 800-foot street, he stated that he would be willing to include traffic calming in the way of a roundabout. The traffic impact on Earnhardt Road is greatly reduced with this plan.

He eliminated the stub street because he believed the neighbors would not like it. He could post the money; although, a stub street can be an eyesore. The future development area could easily be removed from the site plan. He may incorporate that area into the walking trail. If the golf course is developed, this could be an entrance to the golf area. This is not a financially viable piece of property. If he has to include a future corridor of Jake Alexander

Boulevard on his plan, he ought to be able to put a future development on that plan. He does not know what it is going to look like in 20-30 years.

He proposes a natural walking trail at the end of the cul-de-sacs. Nothing will be allowed to face Earnhardt Road due to NC DOT street permits; everything will be facing internally. Other than the buffer, back yards would be visible. The alleys would have gone to the town homes and made sense before. Without Jake Alexander Boulevard the density no longer makes sense. He believes the structures will be two-story and a maximum of 35 feet high.

City Engineer **Dan Mikkelsen** stated that the state does not have plans to expand Earnhardt Road beyond the existing right-of-way; it will stay two lanes.

Dr. Mark Beymer made a MOTION to extend the meeting beyond 6 p.m.; all agreed except Dr. Kelly Vance. (6-1)

Lou Manning closed the courtesy hearing.

Diane Young said that she was bothered by open ends on this plan. "We are hearing that Jake Alexander Boulevard may take twenty years-decades, yet we are going to be left with this plan and a nonconformity issue regarding the segments of road exceeding the 800-foot maximum." The applicant is now saying he would be willing to put in the stub street, but that is not our plan. He is also saying he will take the term "future development" out of this plan. We also have some discrepancy between staff and the applicant as to whether or not density is increased or decreased. We either need to recommend denying this site plan or we need to send it to committee to try to get some of these loose ends cleaned up. Diane Young said she could not approve this as it is submitted today.

David Phillips said he made an error about the density; the new plan is less dense. **Preston Mitchell** said the former density was vertical and the present lesser density is laid horizontally on the ground.

Sandy Reitz feels this is an exciting project that includes higher density and mixed use; Planning Board should review this as positively as possible. She is stuck regarding the issue of not having another entrance and exit that folks could use to get onto Earnhardt Road. A committee would be the best way to go. **Lou Manning** would also like to see this go to committee.

Mark Beymer agreed that the Planning Board could not approve this but believes they might get to that point. He made a MOTION to take this to committee. Price Wagoner seconded the motion. Kelly Vance opposed sending G-07-02 to committee; all others agreed to send to committee. (6-1)

Brian Miller was allowed to return as chairman at 6:05.

A Special Committee was formed of Sandy Reitz, Mark Beymer, Lou Manning, and Price Wagoner. They scheduled to meet at City Hall in the second floor conference room Thursday, November 16, at 6:15 p.m.

**B. G-11-05 Tilley Harley Davidson
653 Bendix Drive
Tax Map 070, Parcel 135, Zoning M-1**

David Phillips gave a staff presentation on the following two items.

Ms. Victoria Small, PE, of Westcott Engineering and Consulting, PC submitted the application for Tilley Harley Davidson located at 653 Bendix Drive for a revision to the previously approved group development site plan. Changes to the plan include the expansion of the rear parking area. This expansion will provide an addition of 130 feet by 295 feet of paved area that will be used as a motorcycle-training course. The required parking and landscaping shown on the approved site plan will be relocated to the rear of the paved area. The plan shall also include the relocation of the dumpster and its required screening to the northern property line. All zoning criteria have been met. The Technical Review Committee recommends approval of the application as submitted to the Planning Board.

Those speaking in opposition: NONE

Those speaking in favor: NONE

Sandy Reitz stated that she had read about this in the newspaper and thought that this training course is an excellent idea. She then made a MOTION to approve G-11-05 as submitted. Diane Young seconded the motion with all members voting AYE. (8-0)

**C. G-20-06 Westridge Place Apartments
Calvin Avenue
Tax Map 331, Parcel 023-A
Zoning B-7 (limited business allows for multi-family-11 units per acre)**

Mr. Craig Stone of Wynnefield Properties, Inc., Jamestown, North Carolina, submitted the application for the construction of an apartment complex to include seven apartment buildings with a total of 60 units and one community building with a combined total of 63,108 square feet to be located off of Calvin Avenue. The developer has included a 5-foot concrete walking trail around a portion of the complex. The plan is also showing a 5-foot concrete pedestrian access to the rear portion of the Salisbury Mall. The approved site will serve as the preliminary subdivision plat. All zoning criteria have been met. The Technical Review Committee recommends approval of the application to the Planning Board.

The applicant will have to improve the currently undeveloped Calvin Avenue up to City standards. There will be two-story structures, and two styles have been proposed.

Those speaking in opposition:

Dixie Dalton, 718 N. Ellis Street, is a member of Mt. Zion Baptist Church located at 1920 Shirley Avenue. She had concerns about the roads being narrow at Clancy Street. Passing another car and children playing can be safety issues. There is currently no curbing or sidewalks on Calvin Avenue. Entering Jake Alexander Boulevard can be difficult since there is no traffic signal.

Those speaking in favor of the improvements: NONE

The Planning Board discussed concerns about the width of the streets and a need for improvements. **Dan Mikkelson** said the City will look at the traffic counts. A presentation will be made to City Council about the street capacity and information offering a sense of whether the volume of traffic will be appropriate for streets of this nature. **Brian Miller** believed the site plan is sufficient. There is no reason to delay approval.

Mark Beymer liked the site plan but believes access is always an issue and did not believe that he could move forward without more information.

Sandy Reitz made a MOTION to approve G-20-06 with the proposal that City Council will hear more information about the streets for their discussion. Kelly Vance seconded the motion. (4-3) Price Wagoner, Sandy Reitz, Brian Miller, and Kelly Vance voted AYE; Diane Young, Mark Beymer, and Lou Manning voted NAY. (Albert Stout had to leave at 6:25 p.m.)

COMMITTEES

A. Reports

Planning Board received a draft of the sidewalk prioritization plan with instructions to become familiar with it. It will be presented and discussed at the next Planning Board meeting on November 28, 2006. Brian Miller asked the Salisbury Post to notify the public that this will be discussed.

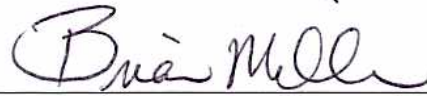
OTHER BOARD BUSINESS

A. Chairman

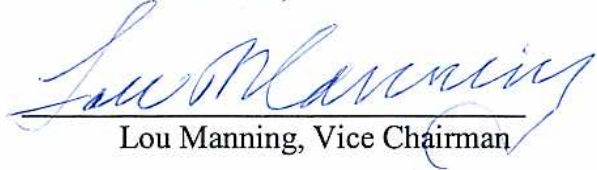
B. Other Board members – no comments

C. Staff

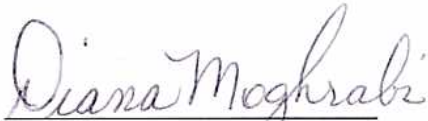
There being no further business to come before the Planning Board, the meeting was adjourned at 6:50 p.m.



Brian Miller, Chairman



Lou Manning, Vice Chairman



Secretary, Diana Moghrabi

